



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: July 12, 2006
AGENDA DATE: July 19, 2006
PROJECT ADDRESS: 3408 and 3412 State Street (MST2004-00704)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner
 Kathleen Kennedy, Associate Planner *KAK*

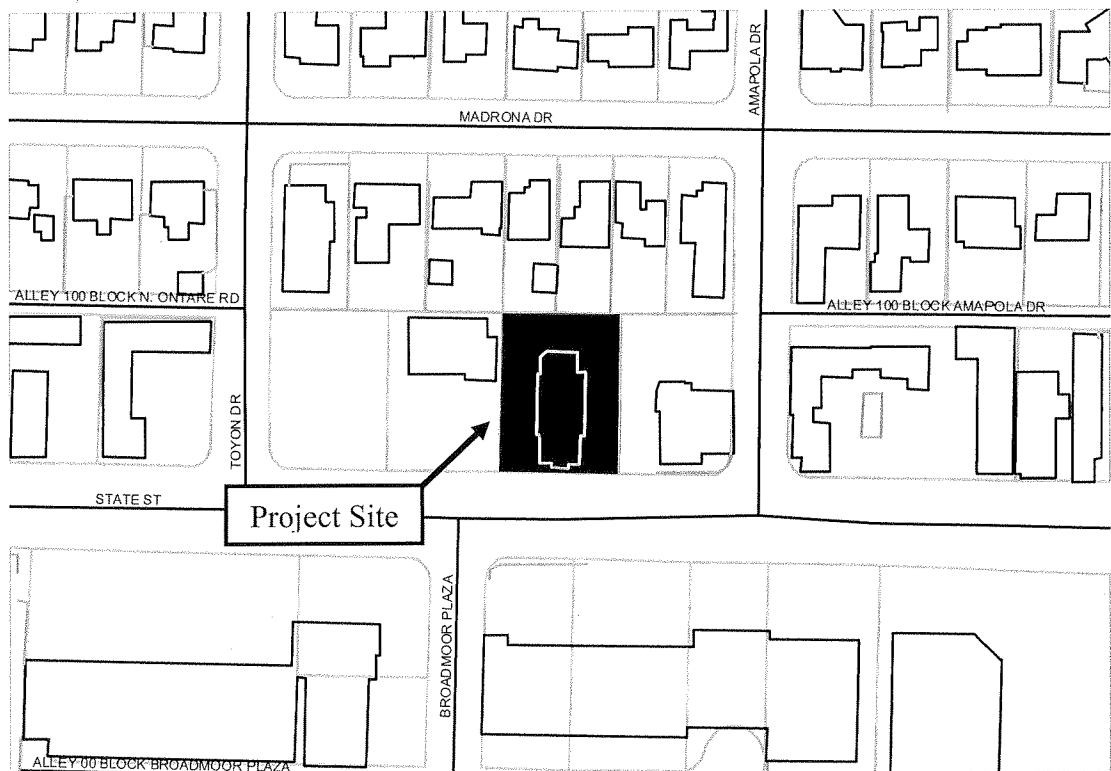
I. PROJECT DESCRIPTION

The project consists of a proposal to convert an existing two-story, mixed-use building into five condominium units. The existing building consists of 3,436 square feet (net) of office space on the first floor, four (4) two-bedroom apartments on the second floor and eighteen parking spaces. An exception to the physical standard requirements for condominium conversions, to allow only one parking space for each residential unit instead of two, is requested. The discretionary applications required for this project are:

1. Modification to allow encroachments into the front yard setback along State Street (SBMC§28.45.008);
2. Tentative Subdivision Map for a one-lot subdivision for the conversion of four residential units and one commercial office space into five condominium units (SBMC§27.07); and
3. Condominium Conversion Permit to convert one commercial space and four residential apartments to five condominium units, including an exception to the parking requirements (SBMC§28.88).

II. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan; therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VI of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map for 3408 & 3412 State Street

APPLICATION DEEMED COMPLETE: June 6, 2006
DATE ACTION REQUIRED PER MAP ACT: August 25, 2006

III. SITE INFORMATION AND PROJECT STATISTICS

SITE INFORMATION

| | | | |
|---------------------|-------------------------|-------------------|---|
| Applicant: | David Tabor, AICP | Property Owner: | Robert D. and Deborah D. Hart |
| Parcel Number: | 053-322-009 | Lot Area: | 15,785 square feet |
| General Plan: | General Commerce | Zoning: | C-2/SD-2: Commercial/ Upper State Street Area Overlay |
| Existing Use: | 1 office, 4 apartments | Proposed Use: | 5 condominium units |
| Topography: | 1% slope towards street | | |
| Adjacent Land Uses: | | | |
| North - Residential | | East - Commercial | |
| South - Commercial | | West - Commercial | |

PROJECT STATISTICS

| Units | # of Bedrooms | Unit Size (net) | Private Outdoor Living Space |
|--------------------|---------------|-------------------|------------------------------|
| Commercial Unit | N/A | 3,436 square feet | N/A |
| Residential Unit A | 2 | 872 square feet | 198 square feet |
| Residential Unit B | 2 | 888 square feet | 204 square feet |
| Residential Unit C | 2 | 858 square feet | 189 square feet |
| Residential Unit D | 2 | 872 square feet | 198 square feet |

IV. ZONING ORDINANCE CONSISTENCY

| Standard | Requirement/ Allowance | Existing |
|---|---|---|
| Setbacks -Front -Interior -Rear | 20 feet 0 feet 0 feet | varies from 4 to 26 feet varies from 8 to 30 feet 35 feet |
| Building Height | 3 stories/ 45' maximum | 31'-6" |
| Parking | 22 spaces | 18 spaces |
| Lot Area Required for Each Unit (Variable Density) | 2-Bdrm units require 2,320 sq. ft. 4 x 2,320 = 9,280 sq. ft. | 15,785 square feet |
| 10% Open Space | 1,578 square feet | 2,332 square feet (14.77%) |
| Private Outdoor Living Space – | Two bedroom units: 96 square feet | > 96 square feet (see above) |
| Lot Coverage -Building -Paving/Driveway -Landscaping | N/A N/A N/A | 3,845 sq. ft. (24.36 %) 9,057 sq. ft. (57.38 %) 2,883 sq. ft. (18.26 %) |

Modification: The project site is located in the SD-2 Overlay Zone, which requires a ten foot front yard setback for one story buildings and a twenty foot front yard setback for two story buildings. The building was originally a one-story structure that encroached into the ten foot front yard setback. In 2004, a remodel of the first floor and a second story addition was approved. Because a second story was added, the front yard setback requirement increased from ten to twenty feet. The approval was granted without the benefit of a Modification to allow encroachments into the front yard setback; therefore, the Modification request is part of this application. The existing building is consistent with all requirements of the Zoning Ordinance except for the encroachments into the front yard setback.

The existing building has a front yard setback that varies from four to twenty-six feet. The trash enclosure encroaches into the front yard setback as well. Staff is supportive of the requested modification because it is necessary to secure an appropriate improvement on a lot, promote

uniformity of improvement and prevent unreasonable hardship. Additionally, the setback of the project is generally consistent with many other buildings on the northerly side of State Street between Las Positas/ San Roque Roads and Ontare Road. The building's second story is set back 26 feet. The project would also dedicate a four foot and variable width easement to the City in order to expand the sidewalk.

V. DISCUSSION

A. COMPLIANCE WITH THE GENERAL PLAN

Land Use Element: The project site has a General Plan land use designation of General Commerce and is located in the North State Street area which is usually referred to as the Upper or Outer State Street. This area is an intensively developed commercial strip, with a scattering of multiple family residential developments. The General Plan calls for a mix of office and hotel uses combined with general commercial uses, and a trend of such uses is expected to continue. Although the General Plan states that little or no residential growth is anticipated for this area, recent trends have shown that residential growth is currently the "highest and best use" in the City and more residential growth in the area is expected.

B. CONDOMINIUM CONVERSION

Exception: The proposed project conforms to the physical standard requirements of the Condominium Conversion Ordinance except for the provision of two parking spaces per residential unit. The Staff Hearing Officer may grant an exception to certain physical standards required for condominium conversions if certain findings can be made. In this case, it is Staff's position that the project includes design features or amenities which offset the project's failure to meet the standard and the economic impact of meeting the standard is not justified by the benefits of doing so. Although mixed use developments that have up to 50% residential use are allowed to reduce the residential parking by 50%, the parking requirement for condominium conversion ordinance is two parking spaces for each two bedroom unit. Staff is supportive of the proposal to provide four parking spaces instead of the required eight parking spaces because it is a mixed use development that has the ability to share the parking associated with the commercial office space. Therefore, the finding that the project includes design features or amenities which offset the project's failure to meet the standard can be made.

C. DESIGN REVIEW

The mixed use development was approved by the Architectural Board of Review (ABR) in 2004. No new development is proposed with the condominium conversion; therefore, the project was not reviewed again by the ABR. The project has been conditioned to comply with the approved landscape plan.

D. ENVIRONMENTAL REVIEW

Environmental Review: Staff and the Environmental Analyst have determined that the project is exempt from further environmental review pursuant to the California Environmental Quality

Guidelines Section 15301 (Existing Facilities) which includes conversions of existing multiple family or single-family residences into common-interest ownership where no physical changes occur which are not otherwise exempt.

VI. RECOMMENDATION/FINDINGS

Staff recommends that the Staff Hearing Officer make the following findings and approve the project with the attached Conditions of Approval (Exhibit A):

A. FRONT YARD SETBACK MODIFICATION (SBMC§28.45.008)

The modification to allow the first floor and trash enclosure to encroach into the front yard setback along State Street is consistent with the purposes and intent of the Zoning Ordinance, is necessary to secure an appropriate improvement on a lot, promote uniformity of improvement and prevent unreasonable hardship. The setback of the project is generally consistent with many other buildings on the northerly side of State Street between Las Positas/ San Roque Roads and Ontare Road and the building's second story is set back 26 feet.

B. EXCEPTIONS TO THE PHYSICAL STANDARDS FOR CONDOMINIUM CONVERSIONS (SBMC§28.88.040.N)

The economic impact of meeting the standard of providing two parking spaces per residential unit is not justified by the benefits of doing so and the project includes design features or amenities which offset the project's failure to meet the standard. Additionally, parking demand will be met by sharing commercial spaces for this mixed use project.

C. TENTATIVE MAP (SBMC §27.07.100)

The tentative subdivision map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed condominium conversion and the density of development, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project is not likely to cause substantial environmental damage, and associated improvements will not cause serious public health problems or conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

D. CONDOMINIUM CONVERSION (SBMC§28.88.120)

1. All provisions of the Condominium Conversion Ordinance are met and the project will not be detrimental to the health, safety, and general welfare of the community.
2. The proposed conversion is consistent with the General Plan of the City of Santa Barbara.
3. The proposed conversion will conform to the Santa Barbara Municipal Code in

effect at the time the application was deemed complete, except as otherwise provided in the Condominium Conversion Ordinance.

4. The overall design (including project amenities) and physical condition of the conversion will result in a project, which is aesthetically attractive, safe, and of quality construction.
5. The units have not been "affordable rental units" therefore; affordability restrictions do not apply to the project.
6. The project is exempt from the provisions of Section 28.88.130 because the project consists of fewer than five residential units.
7. The Applicant has not engaged in coercive retaliatory action regarding the tenants after the submittal of the first application for City review through the date of approval.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant Letter dated June 2, 2006

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

3408 AND 3412 STATE STREET
MODIFICATION, TENTATIVE SUBDIVISION MAP AND CONDOMINIUM CONVERSION PERMIT
JULY 19, 2006

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owners and occupants of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession and enjoyment of the Real Property:

- A. **Recorded Agreement.** The following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be memorialized in an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property" reviewed and approved as to form and content by the City Attorney, Community Development Director and/or Public Works Director that shall be executed by the Owners concurrent with the Final Map, and recorded by the City prior to issuance of a Certificate of Occupancy for the condominium conversion permit. Said agreement(s) shall be recorded in the Office of the County Recorder:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project related drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard of life, health or damage to the Real Property or any adjoining property.
 2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan as approved by the Architectural Board of Review (ABR) on April 12, 2004. Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
 4. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on July 19, 2006 is limited to the conversion of one commercial space and four apartments to five condominium units and the improvements shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
 5. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the approved Operations and Maintenance Procedure Plan.
 6. **Required Private Covenants.** Prior to the issuance of a Certificate of Occupancy for any residential condominium unit or the sale of any residential condominium unit within the subdivision, whichever comes first, the Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal

easement agreement, or a similar agreement which, among other things, shall provide for all of the following:

- a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, including the private storm drain system and shared sewer laterals, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium parcels.
 - b. **Designated Spaces Available for Parking.** A covenant that includes a requirement that all designated parking spaces be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the parking spaces were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** A covenant that includes a requirement that adequate space shall be provided and maintained for trash and recycling purposes.
 - e. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
- B. **Required Prior to Building Permit Issuance.** The following shall be finalized and specified in written form and submitted with the application for a building permit:
1. **State Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on State Street. As determined by the Public Works Department, the improvements shall include removal of portion of curb along driveway perpendicular to sidewalk. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.
- C. **Public Works Submittal Prior to Final Map Recordation.** Owners shall submit the following or evidence of completion of the following to the Public Works Department prior to the recordation of the Parcel Map.
1. **Building Permit Required for Conversion.** Evidence that a conversion permit has been issued for the conversion of one office space and four apartments to condominiums.
 2. **Water Rights Assignment.** Owners shall assign to the City of Santa Barbara the exclusive right to extract water from under the Real Property. Said assignment and

any related agreements are subject to the review and approval of the City Attorney. Said agreement shall be recorded in the Office of the County Recorder.

3. **Final Map Preparation.** Owners shall submit a Final Map to the Public Works Department acceptable for recordation. The Final Map shall be prepared by a licensed land surveyor or registered civil engineer in conformance with current Subdivision Map Act and in conformance with the requirements of the City Survey Control Ordinance.
4. **Dedication.** Dedication of variable width easement to the City for sidewalk purposes as shown on the Tentative Subdivision Map and offered on the Final Map.
5. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner

Date

Contractor

Date

License No.

Architect

Date

License No.

Engineer

Date

License No.

- D. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy for the condominium conversion permit, the Owners of the Real Property shall submit the following or evidence of completion of the following to the Public Works Department:

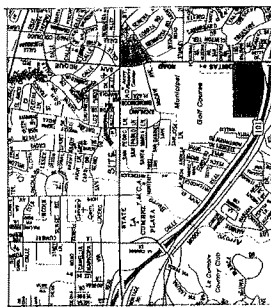
1. Recordation of Final Map.
2. Recordation of the Agreement Relating to Subdivision Map Conditions Imposed on Real Property.
3. Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of the City Arborist.
4. Public improvements constructed as shown on the building plans.

- E. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

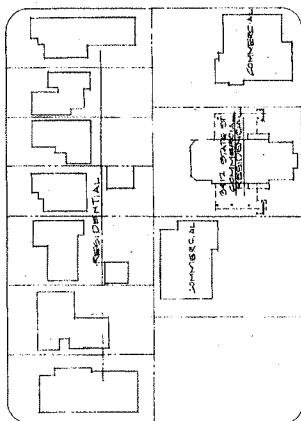
NOTICE OF TENTATIVE SUBDIVISION MAP AND CONDOMINIUM CONVERSIONS TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110 or the provisions of the California Subdivision Map Act.



VICINITY MAP

NO SCALE



PLAT MAP

SCALE: 1"=50'-0"

GENERAL PLAN DESIGNATION:

COMMERCIAL, OFFICES AND RESIDENTIAL

SITE COVERAGE

BUILDING: 28,833 SQ. FT. ... 57.18 %
 LANDSCAPE: 28,833 SQ. FT. ... 18.26 %
 PROPERTY: 15,785 SQ. FT. ... 100 %

FLOOD ZONE:

"X" COMMUNITY PANEL 0 60115-0004 "D" REVISED December 3, 1991

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SCOPE OF WORK:

CONVERT EXISTING MIXED USE BUILDING TO 5
 CONDOMINIUM UNITS (4 RESIDENTIAL UNITS AND 1
 COMMERCIAL) WITH COMMON PARKING LANDSCAPE
 AREAS AND WITH ADDITIONAL (4) HOUR STORAGE
 UNITS AT 320 CUBIC FEET EACH.



SITE PLAN

NOTE:
 ALL PUBLIC IMPROVEMENTS MUST BE COMPLETED
 AND SIGNED OFF BY THE PUBLIC WORKS INSPECTOR
 PRIOR TO RECORDING THE MAP AND SUBMISSION
 AGREEMENT.

WALL & FLOOR-CEILING ASSEMBLIES CONFORM TO
 TITLE 25, CODE OF REGULATION, SECTION 1692.

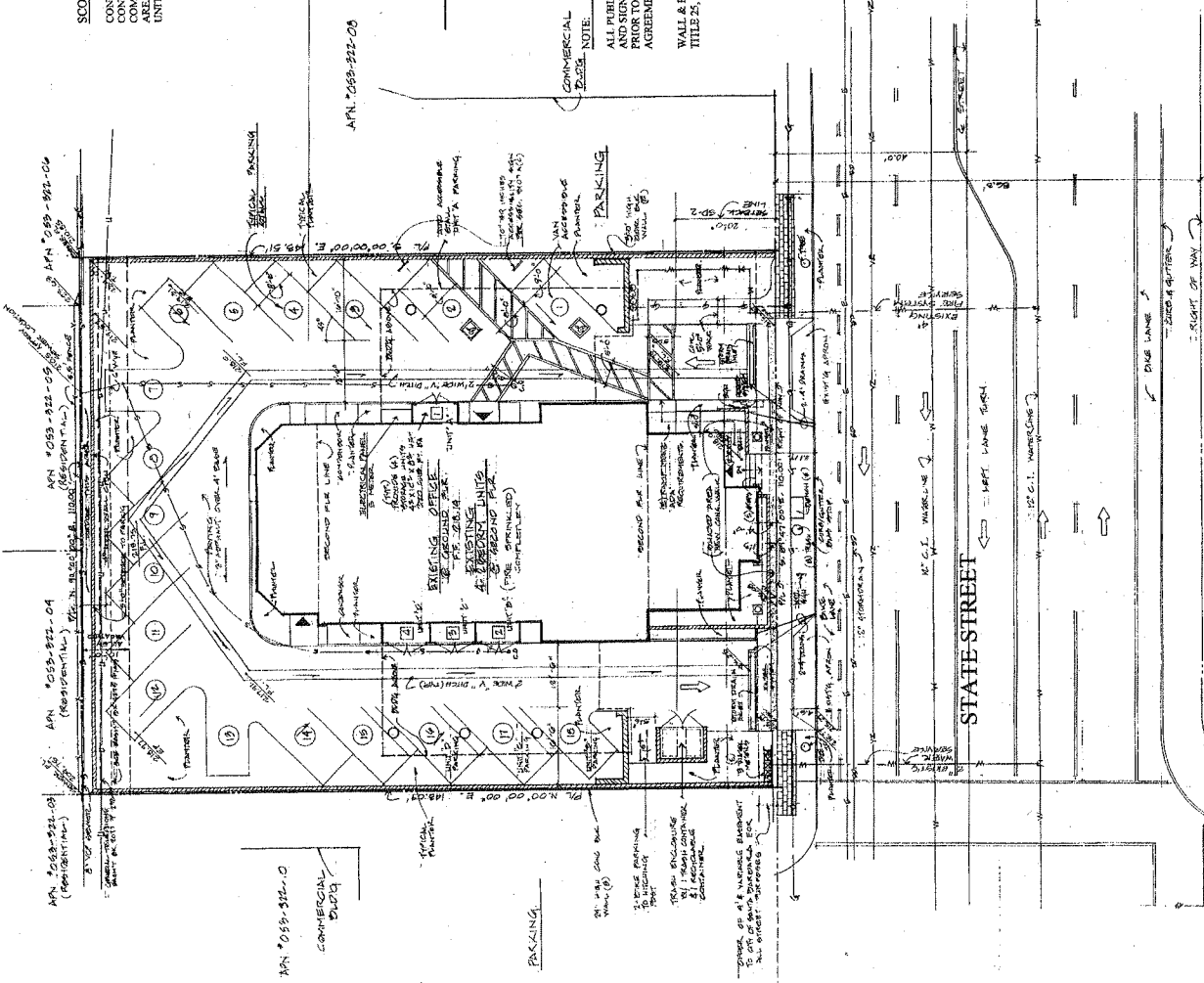
STATISTICS:

ADDRESS: RESIDENTIAL 3408 "A,B,C,D" STATE STREET
 COMMERCIAL: 3412 STATE STREET
 APN: 4 055-912-000
 ZONING: C3 / SD-2
 LOT AREA: 15,785 SQ. FT.
 RESIDENTIAL: "B" OCCUPANCY
 GROSS AREA: 949 SQ. FT. 872 SQ. FT. 198 SQ. FT.
 UNIT "A" 2 BEDRM. 949 SQ. FT. 872 SQ. FT. 198 SQ. FT.
 UNIT "B" 2 BEDRM. 949 SQ. FT. 872 SQ. FT. 198 SQ. FT.
 UNIT "C" 2 BEDRM. 949 SQ. FT. 872 SQ. FT. 198 SQ. FT.
 UNIT "D" 2 BEDRM. 949 SQ. FT. 872 SQ. FT. 198 SQ. FT.
 TOTAL: 3822 SQ. FT. 3496 SQ. FT.

COMMERCIAL: "B" OCCUPANCY
 GROSS AREA: 345 SQ. FT. 345 SQ. FT.

PARKING REQUIREMENTS:

RESIDENTIAL: 42 BEDROOM UNITS
 8 STALLS WITH MIXED USE
 8-12 - 4 STALLS REQUIRED
 COMMERCIAL: 3456 SQ. FT. + 250' - 1374 STALLS
 14 STALLS REQUIRED
 PROVIDED: 11 UNCOVERED PARKING STALLS
 5 COVERED PARKING STALLS
 TOTAL: 18 PARKING STALLS



June 2, 2006

RECEIVED

JUN 22 2006

City of Santa Barbara Staff Hearing Officer
630 Garden Street
Santa Barbara, CA 93101

CITY OF SANTA BARBARA
PLANNING DIVISION

RE: 3408 A, B, C, & D STATE STREET/3412 STATE STREET
MST#2004-00704
PARCEL MAP FOR CONDOMINIUM CONVERSION
MODIFICATION OF REQUIRED FRONT YARD

The owners of the subject property, Bob and Debbie Hart, are seeking your approval for the conversion of the new four units approved for the subject property into residential condominiums, and the office space into a commercial condominium. The application includes a Tentative Map to create the separate parcels, and a Modification to maintain existing improvements in the required front yard.

BACKGROUND

This 15,857 square foot property is located in the C-2/SD-2 zone along the north side of State Street between Toyon and Amapola Drives. The property is bordered by commercially developed property to the east and west, and to the south across State Street. Residential lots which front on Madrona Drive border the lot to the north. A one-story commercial building (3408 State Street), the office of Century-21, A Hart Realty occupied the site. A loop driveway went around the building, entering and exiting onto State Street. A total of 24 parking spaces were located around the perimeter of the lot.

Work was recently completed on a Building Permit that was issued on September 9, 2004 for the construction of four new dwelling units (3412 A, B, C, & D State Street) over the existing building. It had been the owners' intent to rent the four new units for a period of time, and eventually convert them into condominiums. Huge cost increases during the planning period made the construction no longer economically feasible as rentals, and the owners have decided to pursue the condominium conversion at this time. Since the owners had planned on convert at some date, the units were designed with the conversion in mind. There are no changes proposed to the building.

The second floor residential addition is perpendicular to the existing first floor commercial building, and is set back 26 feet from the front lot line. The floor plans for Units A and D are reversed, and Units B and C are nearly identical. Each has efficient floor plan with an open kitchen, dining, living room area, 2 bedrooms, and 2 bathrooms. Each unit has a fire place in the living room, and its own laundry facilities.

A stairway on each side of the building leads to a central hallway on the second floor, which is also accessed by an elevator. Each of the units has its front door along this hallway. Each unit is oriented to a different side of the building, depending on where the outdoor living space is located. The outdoor space is sensibly oriented to the units and should be well used.

STATISTICS

Lot Size: 15,857 sf

Project Summary:

| | | |
|----------------------------------|----------|----------|
| Building Coverage- | 3,845 sf | (24.36%) |
| Paving - | 9,057 sf | (57.38%) |
| Landscaping - | 2,883 sf | (18.26%) |
| Common Outdoor Area (10% req.) - | 2,332 sf | (14.77%) |

| Unit Breakdown | Floor area - net (sf) | Bedrooms | Private Outdoor Living Space |
|--------------------------|-----------------------|----------|------------------------------|
| Residential Units | | | |
| 3408 State Unit A | 872 sf | 2 | 198 sf |
| 3408 State Unit B | 888 sf | 2 | 204 sf |
| 3408 State Unit C | 858 sf | 2 | 189 sf |
| 3408 State Unit D | 872 sf | 2 | 198 sf |
| Office Unit | | | |
| 3412 State | 3,436 sf | | |

Parking:

| | |
|------------|-------------------------------------|
| Existing - | 18 spaces (5 covered, 13 uncovered) |
| Required - | 18 spaces |

CONVERSION ISSUES

It is the stated intent of the Condominium Conversion Ordinance to protect the existing rental housing stock, to safeguard tenants, and to ensure that the buildings that house condominiums are sound, secure, and attractive. Since the building has not been previously rented, is new, and received high marks from the Architectural Board of Approval, there are few issues that apply to the project.

Unit Size - Each unit is over 850 square feet, and has 2-bedrooms. This exceeds the minimum size of 600 square feet for converted units and 400 square feet for new units.

Fire Prevention – Each unit has smoke detectors in the hall and bedrooms.

Sound Transmission – Since the buildings were recently constructed, current construction standards were applied. The sound transmission requirement is satisfied by the current Building Code standards.

Utilities - All units currently have separate meters for water, electricity, and gas service. All units conform to the City's water conservation fixtures requirements, and have a separate water shutoff valve. Service lines were placed underground during the construction. Sewer lines exit each unit to the sewer connection behind the building, joining a lateral that extends to the street. An agreement will be developed for the maintenance of the shared lateral.

Private Storage Space - Storage lockers of 300 cubic feet are provided for each unit accessible from the driveway along the western wall of the building.

Laundry - Washer and dryer hookups are provided in each unit.

Condition of Equipment and Appliances – All appliances are brand new and in good working order. Written certification as required will be provided to the initial buyer of each unit.

Public Easements – It does not appear that additional public easements are required for the project, although reasonable accommodations can be made, if necessary.

Refurbishing and Restoration – There is no need to refurbish or restore this new building.

Parking Standards – A covered parking space is assigned to each unit, beneath the building canopy; two on the east side and two on the west. The remaining spaces will be shared between the units and office space, consistent with the City's mixed-use parking standards. This is consistent with the parking demand for such a project, where the parking lot is shared with the commercial development and where each use has different peak parking demand periods. The parking demand does not change with the proposal to convert to condominiums.

Physical Condition – A Physical Elements Report has not been prepared, since the building is new.

Outdoor Living Space - The project exceeds the minimum requirements of private outdoor space. Each space is oriented to a different side of the building, adding to their privacy

Tenant Issues – Tenants have only occupied the building since May. Therefore, there is no rent history. Tenants moving into the units did so knowing there was a conversion pending. They are not typical tenants in this situation in that they will not suffer unforeseen displacement and have not had a long tenure on site. Letters were provided to the tenants prior to their occupancy of the units, and copies were provided as part of this application. Tenants will be notified of the pending conversion, and advised of their rights per the Condominium Conversion Code, as the project progresses.

Some new condominium standards apply to this project, as follows:

Public Improvement Districts – The applicants agree to waive the right to protest future public improvement districts.

Density – Four 2-bedroom units may be allowed on C-2 properties in excess of 9,280 square feet. The project site is 15,857 sf. A total of 6 2-bedroom units could be built here.

Storage of Recreational Vehicles – Due to the site configuration, the storage of recreational vehicles will be prohibited by the CCRs.

MODIFICATION

The former office building on this site was an ideal candidate for transforming into a mixed-use project. The one-story office building was located in the center of the site with an excess of parking surrounding the building. The lot size is sufficient to allow up to six 2-bedroom units. Four were proposed and constructed.

The units were placed perpendicular to the existing building, 26 feet back from the front lot line. The placement allowed for a better orientation of the units to the south, allowed the private outdoor spaces to be separated, and added interest to the architecture. The required front yard for a 2-story building in the SD-2 Zone is 20 feet.

During the review for this project it was noted that by placing a second story on the building it became a 2-story building by definition. This would require a Modification since an existing portion of the 2-story building was closer than 20 feet to the front lot line.

The encroachment can be considered necessary to prevent an unreasonable hardship. Removing the existing portion of the office building back to the twenty feet from the front lot line would have resulted in a significant reduction in the size of the office building which would burden the existing owner/occupant, and may have made the project infeasible, since the floor area could not have been relocated on site. It should be noted that Zoning Code provisions for making conforming additions to non-conforming structures would result in a situation similar to this one. The existing single-story building encroached into the 20-foot front yard, but a conforming (greater than 20 feet from the front lot line) addition was made to it. Similar suitable projects occur frequently that would not otherwise be able to be built.

The encroachment can be considered necessary to secure an appropriate improvement to the property. Without the portion of the existing building at the front of the project, the design would have been more intense in appearance with a flatter facade and a more abrupt rise to its full height. As noted during the Architectural Board of Review comments for this project, the placement of the second story creates a stepped back design that provides a greater pedestrian scale to the building, different viewing angles, and helps break up the massing along the front.

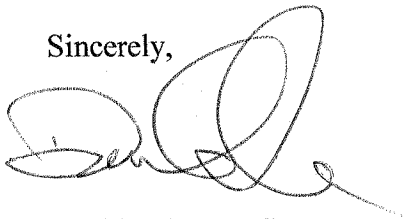
SUMMARY

The units will provide unique homeownership opportunities that will benefit the community while having positive impacts to the surrounding neighborhood. The project upgraded the existing office building and created an example for future mixed-use projects to follow in the Outer State Street Neighborhood.

Overall, the project meets the conversion standards, and is an excellent example of the type of in-fill development that should be encouraged. Four additional units were added to the housing supply, with a net overall positive impact. While they would be market-rate units, given their location and size they would not be considered part of the "high-end" market.

I am looking forward to presenting this project to you at an upcoming meeting. Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Tabor', with a large, stylized loop at the end.

David Tabor AICP

